

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/534,081

Filed: May 5, 2005

1st Inventor: K. Fukatsu

For: Receptor Function Regulator

Atty. Dkt. No. 3119 USOP

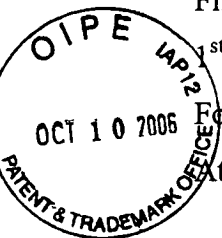
Art Unit: tba

Examiner: tba

Allowed:

Batch:

Paper No.:



Petition under 37 CFR Sec. 1.181(a) to Withdraw a Holding of Abandonment

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

Legal Staff
International Division

Applicants respectfully request reconsideration and withdrawal of the holding of abandonment for the above-identified U.S. patent application. This Petition is based upon evidence that a reply was timely mailed. A detailed explanation for the request follows.

Applicants received a Notice of Abandonment dated September 25, 2006. The Notice indicated that abandonment was for non-response to a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures, which was mailed on December 22, 2005. However, Applicants *did* respond to the Notification by faxing a response to the U.S. Patent and Trademark Office on January 11, 2006. Applicants received an automated fax reply indicating receipt of the response. However, the response was not properly acted upon by the U.S. Patent and Trademark Office, as the electronic PAIR system does not include a copy of Applicants' January communication. It seems that the fax was not properly forwarded for action or entered into the record. A copy of that reply and the fax receipt from the USPTO accompanies this Petition.

Therefore, Applicants believe that the U.S. Patent and Trademark Office has improperly abandoned this application, due to mishandling of Applicants' filed documents. Applicants

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respectfully request withdrawal of the holding of abandonment, entry of Applicants' January communication into the record, and further action with respect to the January communication if required.

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Respectfully submitted,

Dated: October 10, 2006

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Certificate of Mailing under 37 CFR 1.10

The undersigned hereby certifies that this document, along with any attachments, is being deposited in an envelope addressed to The Commissioner of Patents and Trademarks, with sufficient postage with the United States Postal Service EXPRESS MAIL Post Office to Addressee Service on this date October 10, 2006.

Express Mail Label No. EV 903172211 US

Dawn Hackbert

Printed Name: Dawn Hackbert